

REMARKS

Favorable and prompt allowance of the pending claims in the application is respectfully requested on the basis of the following particulars.

1. In the claims

In the "Amendment to the Claims," the independent claims 1, 12, 22 and 23 are amended.

Claim 1 is amended to recite that the first adhesive layer is "solely" composed of a skin adherent hydrophobic gel, and that the first adhesive layer is contiguous with the peripheral edges of the absorbent core. Support for this amendment is found in Figs. 14, 15 and 17, and the corresponding sections in the specification.

Claim 12 is amended to recite that the second facing layer is "coextensive with" the proximal surface of the absorbent core. Support for this amendment is found in Figs. 15 and 17, and the corresponding sections in the specification.

Claim 20 is amended to correct a minor informality regarding the recitation of the absorbent core.

Claims 22 and 23 are amended to recite that the facing layer is "generally continuous." Support for this amendment is found in Fig. 10, and the corresponding sections in the specification.

Many of the claims have been amended by the replacement of the term "first adhesive layer" to "first facing layer" in order to maintain consistency throughout the claims.

It is respectfully submitted that no new matter is introduced into the application by way of this amendment to the claims. Entry and consideration of the amendment to the claims is respectfully requested.

2. Rejection of claims 1-4, 6, 8-12, 14-19, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,566,577 (*Addison*) in view of JP 05069512 (*Hara*)

This rejection is respectfully traversed on the basis that the proposed combination of *Addison* and *Hara* fails to render the pending independent claims 1, 12, 22 and 23, *prima facie* obvious. This traversal holds for the remaining pending claims since they depend from one of the pending independent claims, and recite their individual limitations.

A. Claim 1

Turning to claim 1, it is submitted that the proposed combination of *Addison* and *Hara* fails to collectively disclose or suggest a wound dressing having (1) a first adhesive layer composed solely of a skin adherent hydrophobic gel, and (2) a first facing layer that is contiguous with the peripheral edges of an absorbent core.

It is readily apparent that the combination of *Addison* and *Hara* fails to disclose or suggest to one skilled in the art a wound dressing having a first adhesive layer composed “solely” of a skin adherent hydrophobic gel. It is openly acknowledged in the action that *Addison* fails to disclose or suggest using a hydrophobic gel as the adhesive layer that is used to secure the backing sheet (6) to the envelope film and provided on the margin (10) extending outwardly from the absorbent island (9) to secure to a wound site. Instead, *Hara* is used as a teaching in the prior art of a hydrophobic gel layer.

In observing *Hara*, it will first be pointed out that the silicone composite body of *Hara* is not the same as an adhesive layer that is solely a skin adherent hydrophobic gel. Instead, *Hara* teaches a silicone composite body having two different layers of silicone, each with different properties. While it is true that *Hara* discloses that one of the layers is a silicone gel-like hardened matter (low hardness

layer), it must be applied to and used in combination with a second layer of higher hardness (high hardness layer) that is elastomer-like or resin-like. Nowhere in *Hara* is there any mention of the desirability or the possibility of merely making or providing the low hardness layer without the high hardness layer.

Moreover, there is no description in *Hara* of the low hardness layer having skin adherent properties of the type required by claim 1. It is merely assumed by the rejection that the low hardness layer of *Hara* would have skin adhering properties. Due to this lack of evidence, it is respectfully requested that evidence be provided that indicates the low hardness layer as having skin adhering properties.

Next, it is submitted that *Addison* does not disclose or suggest a first adhesive layer secured to a backing layer that is contiguous with peripheral edges of an absorbent core, as presently recited in amended claim 1. In observing Figs. 1, 4 and 5 of *Addison*, it is clear that the envelope film forms an overlap at the edges of the absorbent island, and the adhesive of the backing sheet (6) extends over the overlap but is only exposed beyond the overlap (col. 3, lines 25-37; col. 6, lines 44-48). Thus, *Addison* cannot be construed to teach that the adhesive on the backing sheet is contiguous with the peripheral edges of the absorbent island.

There is no teaching in *Addison* that would motivate one skilled in the art to dispense with the envelope film with the overlap section since this is the only embodiment and construction taught by *Addison*. If indeed the overlap section were dispensed with, such a construction would require substantial reconfiguration of the wound dressing of *Addison* that would not be envisioned or supported by the teachings of *Addison*.

Since *Hara* does not teach a wound dressing construction, one skilled in the art would not be motivated by this reference to provide an adhesive layer on a backing layer contiguous with the peripheral edges of an absorbent core, or any of the other spatial relationships in the wound dressing recited by claim 1.

In view of these observations, it is submitted that the proposed combination of *Addison* with *Hara* does not amount to a *prima facie* case of obviousness of claim 1 since the proposed combination does not disclose or suggest every limitation required by claim 1. As a result, one skilled in the art would not be able to make a wound dressing having all of the features required by claim 1.

Therefore, withdrawal of the current rejection of claim 1 and the claims dependent therefrom is kindly requested.

B. Claim 12

Next, it is submitted that claim 12 and the claims dependent therefrom are patentable over the proposed combination of *Addison* and *Hara* on the basis that *Addison* and *Hara* collectively fail to disclose or suggest a wound dressing having (1) a second skin adherent facing layer directly secured to an absorbent core, (2) a second facing layer that is coextensive with the proximal surface of the absorbent core, and (3) a first facing layer that is contiguous with the second facing layer and the peripheral edges of the absorbent core.

The second facing layer of claim 12 is neither taught nor suggested by *Addison*. Claim 12 requires that the second facing layer is “directly” secured to the proximal surface of the absorbent core and that it is skin-adherent. *Addison*, on the other hand, requires the envelope film to be secured to the absorbent island by overlapping film edges outside of the absorbent island. There is no suggestion in *Addison* of directly securing the envelope film to the absorbent island.

Next, the wound contacting surface of the envelope film of *Addison* is not skin adherent which is expressly contrary to the requirement of the second facing layer of claim 12. In *Addison*, specifically, the land portions (6) of the front surface of the envelope film, which Fig. 4 shows as essentially being secured to the proximal surface of the absorbent layer (2), are “very non-adherent and wound friendly” (col. 7, lines 1-13).

It is clear that one skilled in the art would readily recognize that the envelope film of *Addison* is not the same as the facing layer required by claim 12. Further, since *Addison* expressly teaches that the wound contacting surface of the envelope film is not skin adherent, *Addison* would not suggest to one skilled in the art to provide a skin-adherent facing layer that extends along the absorbent island.

While *Addison* does disclose skin-adherent features, the skin adherent region is formed on portions of the backing sheet (6) that extend beyond the periphery of the absorbent island (9) (col. 6, lines 44-48). Of course, this teaching of *Addison* is akin to the first adhesive layer additionally required by claim 12. Therefore, even with the teaching of *Addison* of the backing sheet having skin-adherent portions which extend beyond the absorbent island, such portions would be readily understood by one skilled in the art as not being the same as a skin adherent facing layer extending along an absorbent core.

As pointed out above in reference to claim 1, the front face (4) or wound facing section of the envelope film of *Addison* is not coextensive with the absorbent island. Instead, it is clear that the envelope film of *Addison* includes overlap sections that extend beyond the periphery of the absorbent island. No other embodiment is illustrated or described in *Addison*; *Hara* provides no teachings to this aspect since it is not concerned with wound dressing construction. Further, as indicated with reference to claim 1, removing the overlap section of the envelope film of *Addison* would require substantial reconfiguration that has no motivational basis within the teachings of *Addison*.

Lastly, because amended claim 12 recites the second facing layer as being coextensive with the proximal surface of the absorbent core, and that the first facing layer is contiguous with the periphery of the second facing layer, it follows that the first facing layer is contiguous with the periphery of the absorbent core. The arguments provided in relation to claim 1 and discussed in reference to the failure of *Addison* in teaching this limitation equally apply to claim 12.

Since *Hara* does not teach a wound dressing construction, one skilled in the art would not be motivated by this reference to provide an adhesive layer on a backing layer contiguous with the peripheral edges of an absorbent core, or any of the other spatial relationships in the wound dressing required by claim 12.

In view of these observations, it is submitted that the proposed combination of *Addison* with *Hara* does not amount to a *prima facie* case of obviousness of claim 12 since the proposed combination does not disclose or suggest every limitation required by claim 12. As a result, one skilled in the art would not be able to make a wound dressing having all of the features required by claim 1.

Therefore, withdrawal of the current rejection of claim 12 and the claims dependent therefrom is kindly requested.

C. Claim 22

It is submitted that claim 22 is patentable over the proposed combination of *Addison* and *Hara* on the basis that *Addison* and *Hara* collectively fail to disclose or suggest a wound dressing having (1) a continuous skin adherent facing layer directly secured to an absorbent core and a backing layer, and (2) the facing layer having apertured and non-apertured regions that define the bodyside surface of the wound dressing.

The arguments in reference to claim 12 with respect to the failure of the proposed combination of *Addison* and *Hara* in teaching or suggesting a skin adherent facing layer secured to the proximal surface of an absorbent core apply to claim 22. While the facing layer is continuous, it is specifically recited as extending across both the proximal surface of the absorbent core and the border portion of the backing layer which extends beyond the periphery of the absorbent core. Thus, at least a portion of the skin adherent facing layer extends over the proximal surface of the absorbent core. As explained above in reference to claim 12, such a feature is contrary to the teachings of *Addison*.

Next, it is submitted that nowhere among the proposed combination of teachings of *Addison* and *Hara* is there any reference to a facing layer that is both continuous and which has apertured and non-apertured regions. *Addison* only teaches separately providing the apertured envelope film over the absorbent core and the adhesive over the backing sheet. Nowhere is there any suggestion of providing either the envelope film or the adhesive as a “continuous” layer having both apertures and non-apertured sections.

It will be pointed out that not only does *Addison* not disclose or suggest making the envelope film skin adherent, but it positively states that it is intended that the envelope film be hydrophilic (col. 2, lines 49-50). As such, one skilled in the art would not be motivated to replace the envelope film with a hydrophobic material, such as the type required by claim 22.

While *Hara* discloses a silicone gel, it does not suggest to one skilled in the art to provide a “continuous” layer of the silicone gel that extends across both the proximal surfaces of the absorbent core and the border portion of the backing layer. Indeed, as discussed above in reference to claims 1 and 12, *Hara* provides no teachings as to the construction of a wound dressing. Therefore, one skilled in the art would not be motivated to construct a wound dressing or modify the construction of the wound dressing of *Addison* from the teachings of *Hara*.

In view of these observations, it is submitted that the proposed combination of *Addison* with *Hara* does not amount to a *prima facie* case of obviousness of claim 22 since the proposed combination does not disclose or suggest every limitation required by claim 22. As a result, one skilled in the art would not be able to make a wound dressing having all of the features required by claim 1.

Therefore, withdrawal of the current rejection of claim 22 is kindly requested.

D. Claim 23

Lastly, the observations on the proposed combination of *Addison* and *Hara* apply to claim 23. As such, it is submitted that the proposed combination of *Addison* with *Hara* does not amount to a *prima facie* case of obviousness of claim 23 since the proposed combination does not disclose or suggest every limitation required by claim 23.

Therefore, withdrawal of the current rejection of claim 23 is kindly requested.

3. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,



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